

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ABOUBACAR JALLOH,

Plaintiff,  
-against-

THOMAS P. WENDEL,

Defendant.

Index No.: 07 Civ. 4091  
(NRB)

ECF CASE

**NOTICE OF MOTION  
IN LIMINE**

**Hon. Judge Naomi R.  
Buchwald**

**PLEASE TAKE NOTICE** that upon the Affidavit of Mark A. Solomon dated July 28, 2008 and the exhibits attached thereto, the undersigned attorneys for defendant Thomas Wendel will move this Court at UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK, 500 Pearl Street, New York, New York 10007, before the Hon. Judge Naomi R. Buchwald on a date to be determined by the Court, for a missing witness charge against plaintiff for unless plaintiff produces Dina Nelson, M.D and Allen Greenfield, M.D. to testify at the trial of the above captioned matter.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to Order dated July 14, 2005 answering affidavits, if any, shall be served no later than August 1, 2008.

Dated: New York, New York  
July 28, 2008

Yours, etc.

LAW OFFICES OF HARVEY AND VANDAMME

By:

  
Mark A. Solomon (2613)  
Attorneys for Defendant  
THOMAS WENDEL  
90 Broad Street, Suite 2202  
New York, NY 10004  
(646) 428-2650

TO: BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP  
Attorneys for Plaintiff  
ABOUBACAR JALLOH  
112 Madison Avenue  
New York, New York 10016  
(212) 696-5500

**AFFIDAVIT OF SERVICE**

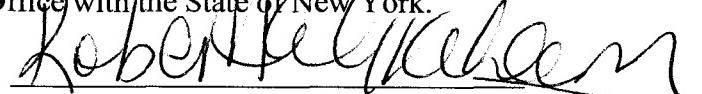
STATE OF NEW YORK )  
ss.:  
COUNTY OF NEW YORK )

**ROBERTTA GRAHAM**, being duly sworn, deposes and says: that deponent is not a party to this action is over 18 years of age and resides in Bronx, New York.

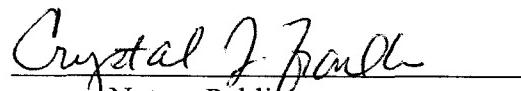
That on the **28<sup>th</sup> day of July 2008**, deponent served the within **NOTICE OF MOTION IN LIMINE** upon:

TO: BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP  
Attorneys for Plaintiff  
ABOUBACAR JALLOH  
112 Madison Avenue  
New York, New York 10016  
(212) 696-5500

at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in the official depository under the exclusive care and custody of the United States Post Office with the State of New York.

  
**ROBERTTA GRAHAM**

Sworn to before me this  
28<sup>th</sup> day of July 2008

  
\_\_\_\_\_  
Notary Public

Crystal J. Franklin  
Notary Public of New York  
Registration #01FR6150968  
Qualified in Queens County  
My Commission Expires *August 7, 2010*

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**LAW OFFICES OF HARVEY AND VANDAMME**

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